

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FREDDIE LEE TAYLOR,

No. C-92-1627 EMC

Petitioner,

DEATH PENALTY CASE

v.

KEVIN CHAPPELL, Warden of California  
State Prison at San Quentin,

**ORDER RE BRIEFING SCHEDULE RE  
CAUSE & PREJUDICE**

Respondent.

The Court is in receipt of the parties' proposed briefing schedule, and hereby ORDERS the following briefing schedule regarding cause and prejudice. Petitioner's opening brief regarding cause and prejudice and/or fundamental miscarriage of justice issues is due on or before September 30, 2014. Respondent's opposition is due on or before November 14, 2014. Any reply brief is due on or before December 19, 2014. The parties are strongly encouraged to adhere to the page limits set by Local Rule 7.4 (b), absent a significant showing that oversize briefs are necessary. Any request to file an oversize brief must be filed at least seven days before the brief in question is due.


The parties did not, as requested by the Court, submit a proposed schedule for the briefing of petitioner's record-based claims. Instead, the parties state that the Second Amended Petition is "not fully ripe", and that issues regarding discovery and an evidentiary hearing should be addressed after the Court renders a decision regarding cause and prejudice. The Court does not agree with this approach, and the parties have not demonstrated why the petition is not ripe, and why record-based claims cannot be considered prior to requests for discovery and/or evidentiary hearing. Accordingly,

1 within fourteen days of the date of this Order, the parties should submit a joint statement addressing  
2 ripeness and a proposed plan for addressing record-based claims.<sup>1</sup>

3 The CMC scheduled for June 12, 2014 is **VACATED**. The Court will set a future CMC date  
4 if necessary.

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6 IT IS SO ORDERED.

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8 Dated: June 10, 2014

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11 EDWARD M. CHEN  
12 United States District Judge  
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27 <sup>1</sup> The parties state that grouping of record-based claims for briefing is not possible because of  
28 the overlapping nature of the claims. Claims that overlap should be grouped together for briefing  
purposes; the Court has reviewed the Second Amended Petition and finds that the parties have not  
demonstrated that grouping of claims – a common procedure in capital habeas cases – is not  
possible in this case.